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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,151	01/02/2002	Bahram Khoshnood	2001-7010-RA	9412

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EXAMINER

HOOLAHAN, AMANDA J

ART UNIT PAPER NUMBER

2859

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,151

Applicant(s)

KHOSHNOOD, BAHRAM

Examiner

Amanda J Hoolahan

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 1-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/12 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims contradict what is disclosed in the specification by stating "at least one" bow sight housing and bow sight, when there is no indication of there being more than one of each.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no structural relationship between the encasement and the bow sight.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1-6, 7-8, 11-13, and 17-18 are rejected under 35 U.S.C. 102(e) as being unpatentable by USPN 6,418,633 to Rager.

Numerals A and B have been added to Figure 1 by the examiner in reference to a certain component disclosed by Rager. See copy attached at the end of this action.

Rager discloses a bow sight (12) comprising at least one bow sight housing (32), said bow sight housing having at least one sight pin (20a-e); at least one light collecting mechanism (26a-e) carried by said bow sight housing, wherein said at least one light collecting mechanism defines at least one coil shape; said light collecting mechanism defines a plurality of coil shapes; said bow sight housing encases said light collecting mechanism; said light collecting mechanism is at least one fiber optic filament (column 2, lines 23-28); said fiber optic filament is carried in a coil fashion by said bow sight housing; a support (A), wherein said fiber optic filament is wrapped multiple times around said support, said fiber optic filament is at least partially carried by said sight pin, and said support is substantially encased within said bow sight housing; at least one bow sight (12), said bow sight being rotatable (column 4, lines 41-49) and having at least one sight pin (20a-e); at least one light collector (26a-e); at least one encasement (B) for housing said light collector; said optical filament is coiled within said bow sight and is at least partially carried by said sight pin; said fiber optic filament is coiled a plurality of revolutions within said encasement (B); normal manufacture of the device disclosed by Rager comprises the method steps of coiling at least one fiber optic filament (26a-e) around a support (A); positioning one end (20a-e) of said fiber optic filament within a bow sight (12); said fiber optic filament is a plurality of fiber optic filaments.

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With respect to the encasement being removable: In a broad sense, any structure, to a degree is removable, since any structure may be removed by any means, if so desired. Therefore, in a broad sense, the encasement disclosed by Rager is considered to be "removable."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rager.

Rager discloses the device as described above in paragraph 2.

Rager does not disclose the said fiber optic filament and support (11) being housed within said encasement (B).

Rager discloses the fiber optic filaments and support being outside the said encasement. Changing the location of the support holding the fiber optic filaments to inside the encasement, absent any criticality, is only considered to be an obvious modification of Rager that a person having ordinary skill in the art at the time the invention was made would be able to provide using routine experimentation in order for the fiber optic filaments and support to be better protected, and since the courts have held that there is no invention in shifting the position if the operation of the device would not be thereby modified. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,996,569 to Wilson, USPN 5,255,440 to Rogers, USPN 5,671,724 to Priebe, and USPN 3,997,974 to Larson disclose bow sights having light collecting mechanisms including sight pins.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda J Hoolahan whose telephone number is (703) 308-0139. The examiner can normally be reached on Monday through Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ajh
December 19, 2002


CHRISTOPHER W. FULTON
PRIMARY EXAMINER

Diego Gutierrez
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